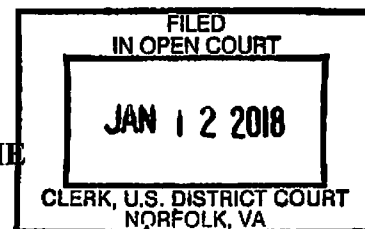


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

EDWARD ALLEN MCNAMES,

Defendant.

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)

CRIMINAL NO. 2:17cr85

STATEMENT OF FACTS

The parties stipulate that the allegations in count one of the criminal information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. Between November 18, 2015, and January 17, 2016, the user of IP address 68.10.164.131 (the Target IP) was connected to the Internet using the Peer-to-Peer (P2P) file-sharing network. During that time, law enforcement was running software and was connected to the Internet in an undercover capacity. Law enforcement made a connection between the investigative computer and the computer/computing device running software assigned the Target IP. Law enforcement downloaded fourteen files from the Target IP. Several of the downloaded files constituted images of minors engaging in sexually explicit conduct (SEC). Law enforcement sent this information to the Federal Bureau of Investigation-Norfolk for further investigation.

2. On August 09, 2016, law enforcement served an administrative subpoena to Cox Communications, Inc. (Cox) requesting information related to the user assigned the Target IP. According to the information received from Cox, the customer associated with the Target IP account was defendant EDWARD ALLEN MCNAMES at his residence in Norfolk, Virginia.

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3. Norfolk is located within the Eastern District of Virginia.

4. On November 18, 2016, law enforcement executed a search warrant at the residence of MCNAMES in Norfolk. Pursuant to the search warrant, law enforcement seized computers and computer media belonging to MCNAMES.

5. At the same time as the search warrant, MCNAMES was interviewed by law enforcement. MCNAMES admitted to having P2P software and watching child pornography for over a year.

6. Subsequent to the search warrant, a computer forensic analysis was performed on MCNAMES' computers and other computer media. This analysis revealed the presence of numerous images and videos depicting images of minors engaging in SEC. These include images that contain visual depictions of prepubescent minors.

7. The investigation and evidence reveal that on or about May 16, 2016, in Norfolk, in the Eastern District of Virginia, defendant EDWARD ALLEN MCNAMES did knowingly access with intent to view an image possess one or more matters, namely an image known as lsp-003a-030.jpg, which had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which had been mailed, and so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor, and which depicted a prepubescent minor who had not attained 12 years of age, engaging in sexually explicit conduct, and such visual depiction was of such conduct.

8. The image known as lsp-003a-030.jpg is a lewd and lascivious depiction of a prepubescent girl's naked vaginal area. Specifically, the images is a close-up capture of a

prepubescent girl's vagina area. The girl's legs are bent up and spread so the vaginal area is the focus of the image. The viewer cannot see the girl's torso, arms, or face.

9. MCNAMES knew that the latter visual depictions and other images he accessed and that were contained on his computer and computer media were images depicting actual minors engaged SEC.

10. The Internet is an interconnected network of computers with which one communicates when on-line, and that network crosses state and national borders.

11. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.

DANA J. BOENTE
UNITED STATES ATTORNEY

By: 

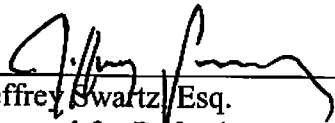
Elizabeth M. Yusi
Assistant United States Attorney

U.S. v. EDWARD ALLEN MCNAMES, 2:17cr85

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, EDWARD ALLEN MCNAMES, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


EDWARD ALLEN MCNAMES

I am EDWARD ALLEN MCNAMES' attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Jeffrey Swartz, Esq.
Counsel for Defendant

